

UNITED STATES DISTRICT COURT  
DISTRICT OF MINNESOTA

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MILTON THOMAS,

Petitioner,

v.

**ORDER**

Civil File No. 13-1143 (MJD/LIB)

BECKY DOOLEY, Warden,

Respondent.

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Milton Thomas, pro se.

Matthew Frank, Minnesota Attorney General's Office, Counsel for Respondent.

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The above-entitled matter comes before the Court upon the Report and Recommendation of United States Magistrate Judge Leo I. Brisbois dated May 16, 2013. Petitioner filed objections to the Report and Recommendation.

Pursuant to statute, the Court has conducted a de novo review upon the record. 28 U.S.C. § 636(b)(1); Local Rule 72.2(b). Based upon that review, the Court adopts the Report and Recommendation of United States Magistrate Judge Brisbois dated May 16, 2013.

Accordingly, based upon the files, records, and proceedings herein, **IT IS**

**HEREBY ORDERED:**

1. The Court **ADOPTS** the Report and Recommendation of United States Magistrate Judge Leo I. Brisbois dated May 16, 2013 [Docket No. 8].
2. Petitioner's application for a writ of habeas corpus [Docket No. 1] is **DENIED**.
3. Petitioner's application for leave to proceed in forma pauperis [Docket Nos. 2 and 3] is **DENIED**.
4. This action is **DISMISSED WITH PREJUDICE**.
5. Petitioner is **NOT** granted a Certificate of Appealability.

Dated: July 18, 2013

s/ Michael J. Davis

Michael J. Davis

Chief Judge

United States District Court